

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Michael L. Boyer II *et al.*

Art Unit: 3738

Application No.: 09/814,214

Examiner: Chattopadhyay, U.

Filed: March 22, 2001

FEB 24 2003

Attorney Docket No.: 8932-342

For: BONE IMPLANTS WITH
CENTRAL CHAMBERS



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TECHNOLOGY CENTER R3700

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Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action dated October 23, 2002, please enter the following remarks into the file of the above-identified application:

Remarks

Claims 1-34 are pending in this application.

In response to the Examiner's request for duplicate copies of references DY-ED ("Other References") which were submitted with an Information Disclosure Statement dated August 13, 2002, Applicants are re-submitting these references herewith for the Examiner's consideration.

Claim 7 was rejected in the Office Action under 35 U.S.C. § 112, ¶ 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Examiner stated that "it is unclear how the at least two bone fragments can be coupled together to form a substantially enclosed hollow region therebetween, as required by amended claim 1." (Office Action, Page 2, line 22 to Page 3, line 3). Applicants draw the Examiner's attention, for example, to Figs. 7A-7C of the present application. As explained in Applicants' specification, "concentric bone portions 1020, 1022, 1024, 1026, and 1028 may be combined to form an implant" and "caps are optionally provided in the outermost concentric circle bone portions to form a completely-enclosed chamber within implant 1050." (Specification, page 22, lines 34-35). Withdrawal of this rejection of claim 7 is respectfully requested.

Considered
Dated
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MC 3/11/03

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Reg for Rec
S. Boyer
3/3/03